

EXHIBIT 70

<div>Page 1</div> <div>UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA</div> <div>-----</div> <div>In Re: Bair Hugger Forced Air Warming Products Liability Litigation</div> <div>This Document Relates To: All Actions MDL No. 15-2666 (JNE/FLM)</div> <div>-----</div> <div>DEPOSITION OF JANA M. STENDER VOLUME I, PAGES 1 - 182 DECEMBER 9, 2016</div> <div>(The following is the deposition of JANA M. STENDER, taken pursuant to Notice of Taking Deposition, via videotape, at the offices of Ciresi Conlin L.L.P., 225 South 6th Street, Suite 4600, Minneapolis, Minnesota, commencing at approximately 9:08 o'clock a.m., December 9, 2016.)</div>	<div>Page 3</div> <div>INDEX</div> <table><tr><th>EXHIBITS</th><th>DESCRIPTION</th><th>PAGE MARKED</th></tr><tr><td>Ex 184</td><td>E-mail string, 3MBH00544756-7</td><td>43</td></tr><tr><td>185</td><td>E-mail string, 3MBH00024691-4</td><td>50</td></tr><tr><td>186</td><td>E-mail string, 3MBH00032037-8</td><td>61</td></tr><tr><td>187</td><td>E-mail string, 3MBH00049685-6</td><td>77</td></tr><tr><td>188</td><td>Dinner/Evening agendas, HG</td><td></td></tr><tr><td></td><td>rough draft 5-17-13, 3MBH01484406</td><td>83</td></tr><tr><td>189</td><td>E-mail string, 3MBH0002433-4</td><td>87</td></tr><tr><td>190</td><td>E-mail string, 3MBH00033916-9</td><td>103</td></tr><tr><td>191</td><td>E-mail, 3MBH00043532</td><td>117</td></tr><tr><td>192</td><td>E-mail string, 3MBH01285219-24</td><td>119</td></tr><tr><td>193</td><td>E-mail string, 3MBH00050532-3</td><td>127</td></tr><tr><td>194</td><td>FTC Advertising and Marketing Basics, one page</td><td>140</td></tr><tr><td>195</td><td>E-mail string, 3MBH00033959</td><td>144</td></tr><tr><td>196</td><td>E-mail string, 3MBH00032831</td><td>148</td></tr><tr><td>197</td><td>E-mail string, 3MBH00024680-1</td><td>155</td></tr><tr><td>198</td><td>E-mail string, 3MBH00050980</td><td>167</td></tr><tr><td>199</td><td>E-mail string, 3M00575251-2</td><td>173</td></tr></table>	EXHIBITS	DESCRIPTION	PAGE MARKED	Ex 184	E-mail string, 3MBH00544756-7	43	185	E-mail string, 3MBH00024691-4	50	186	E-mail string, 3MBH00032037-8	61	187	E-mail string, 3MBH00049685-6	77	188	Dinner/Evening agendas, HG			rough draft 5-17-13, 3MBH01484406	83	189	E-mail string, 3MBH0002433-4	87	190	E-mail string, 3MBH00033916-9	103	191	E-mail, 3MBH00043532	117	192	E-mail string, 3MBH01285219-24	119	193	E-mail string, 3MBH00050532-3	127	194	FTC Advertising and Marketing Basics, one page	140	195	E-mail string, 3MBH00033959	144	196	E-mail string, 3MBH00032831	148	197	E-mail string, 3MBH00024680-1	155	198	E-mail string, 3MBH00050980	167	199	E-mail string, 3M00575251-2	173
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<div>Page 2</div> <div>1 APPEARANCES:</div> <div>2 On Behalf of the Plaintiffs:</div> <div>3 Kyle W. Farrar and Mark D. Bankston</div> <div>4 KASTER, LYNCH, FARRAR & BALL LLP</div> <div>5 1010 Lamar, Suite 1600</div> <div>6 Houston, Texas 77002</div> <div>7 On Behalf of the Defendants:</div> <div>8 Bridget M. Ahmann</div> <div>9 FAEGRE BAKER DANIELS</div> <div>10 2200 Wells Fargo Center</div> <div>11 90 South Seventh Street</div> <div>12 Minneapolis, Minnesota 55402-3901</div> <div>13 On Behalf of the Deponent:</div> <div>14 Stephanie L. Gase and Dale O. Fresch</div> <div>15 BREWER ATTORNEYS & COUNSELORS</div> <div>16 1717 Main Street, Suite 5900</div> <div>17 Dallas, Texas 75201</div> <div>18 ALSO APPEARING:</div> <div>19 Ronald M. Huber, Videographer</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 4</div> <div>1 P R O C E E D I N G S</div> <div>2 (Witness sworn.)</div> <div>3 JANA M. STENDER</div> <div>4 called as a witness, being first duly sworn,</div> <div>5 was examined and testified as follows:</div> <div>6 ADVERSE EXAMINATION</div> <div>7 BY MR. FARRAR:</div> <div>8 Q. Can you introduce yourself, please.</div> <div>9 A. Yes. My name is Jana Stender.</div> <div>10 Q. Ms. Stender, have you ever given a</div> <div>11 deposition?</div> <div>12 A. I have not.</div> <div>13 Q. Okay. Go over a couple quick rules. I'm</div> <div>14 sure your attorneys have talked to you about this, but</div> <div>15 just basically I'm going to get to ask you some</div> <div>16 questions and I want you to answer to the best of your</div> <div>17 recollection. Okay?</div> <div>18 A. Yes.</div> <div>19 Q. You have to answer out loud audibly, "yes"</div> <div>20 or "no," because our court reporter is taking</div> <div>21 everything down, so he can't take down shakes of the</div> <div>22 head like we would normally talk. Okay?</div> <div>23 A. Yes.</div> <div>24 Q. Typically, if you and I met down in the</div> <div>25 lobby, we would talk over each other; that's how we</div>																																																						

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1 A. I'm not offended that they would share a
2 meal, because oftentimes that's the only time one
3 could connect with people with busy schedules.

4 Q. Do you consider "wine and dine" as the
5 equivalent of "share a meal?"

6 A. I would say that's sharing a meal. I don't
7 know what "wine and dine" means in this context.

8 Q. You're familiar what that term generally
9 means; correct?

10 MS. GASE: Objection, form.

11 A. I've heard the term, certainly, sure.

12 Q. And as a -- somebody who deals with words
13 and marketing, you understand "wine and dine" means
14 take out to fancy meals, have a nice bottle of wine,
15 things of this nature; correct?

16 MS. GASE: Objection, form.

17 A. I --

18 That is a reference that I've certainly
19 heard. I don't know. I wouldn't interpret it that
20 way. Have dinner, that's what I would interpret it
21 as.

22 Q. So when you and your husband go to dinner
23 tonight, that's just -- that's wining and dining.

24 MS. GASE: Objection to form.

25 A. My husband and I don't go to dinner; we have

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1 two small children, so --

2 Q. Fair enough.

3 A. -- irrelevant.

4 Q. Fair enough. And I like the witness making
5 her own objections.

6 My point is "wining and dining" has a
7 specific meaning over and above just going to dinner;
8 correct?

9 MS. GASE: Objection, asked and answered.

10 A. It --

11 Certainly, "wine and dine" has a meaning,
12 yes. I -- I don't know in this case at all what it
13 refers to, but --

14 Q. I want to talk about what the company would
15 do when it either knew of literature that was going to
16 be negative to forced-air warming or something was
17 published negative to forced-air warming. Okay?

18 A. Yes.

19 Q. That's the topic.

20 You're aware in your time at the company
21 that one of the things that would happen would be to
22 try to discredit the author; correct?

23 MS. GASE: Objection, form, asked and
24 answered, lack of personal knowledge.

25 A. That is not my experience. Any studies on

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1 forced-air warming or the category of patient warming
2 were reviewed by our clinical team to see what the
3 content is, what the findings and conclusions were,
4 how the studies were conducted, but no, that is not my
5 experience, that we were discrediting.

6 (Discussion off the stenographic record.)

7 (Exhibit 189 was marked for
8 identification.)

9 BY MR. FARRAR:

10 Q. I'm handing you what's been marked as 189,
11 which begins with 2433. I'll give you a chance to
12 read that.

13 Have you had a chance to review it?

14 A. I have.

15 Q. Okay. Do you remember this issue?

16 A. I don't.

17 Q. Do you remember the papers that are being
18 discussed?

19 A. In the course of looking at this I see that
20 there are papers that were being discussed.

21 I had just returned from maternity leave at
22 that point.

23 Q. Okay. Sitting here today, do you have any
24 recollection or any knowledge of what paper this
25 exhibit is discussing?

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1 A. I don't have recollection.

2 Q. Okay.

3 A. It says Anesthesia & Analgesia.

4 Q. Okay. Mr. Bergstrom is the one who sent
5 that to you on October 23rd 2008; correct?

6 A. Correct.

7 Q. And he came across this upcoming paper
8 that's going to be published in about a week; right?

9 A. Yes, that's what it states.

10 Q. Okay. Five hours later you respond to Mr.
11 Bergstrom and copy some other folks and you say, "It
12 seems we should have some talking points to address
13 the findings." Did I read that correctly?

14 A. Yes.

15 Q. So you, within five hours after receiving
16 the paper, were already wanting to develop talking
17 points on how you'd discredit the findings; correct?

18 MS. GASE: Objection, form.

19 A. Not discredit the findings. To analyze the
20 findings, the clinical and research teams would do
21 that.

22 Q. The talking points specifically is the
23 things that your sales force can use to lessen the --
24 the blow of -- of the article; correct?

25 MS. GASE: Objection, form.

22 (Pages 85 to 88)